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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,757	04/21/2004	Oliver Maier	8540G-000217	5333
27572 73	7590 07/20/2006 EXAMINER			
•	DICKEY & PIERCE,	CHUO, TONY SHENG HSIANG		
P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER
			1745	
		DATE MAILED: 07/20/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Eatsections of the maps be swalped under the provision of 30° 761° 1.13(s). In or event, however, may a reply be limitly find in the provision of 10° 1.11 (10) period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failute to reply will be test or carried period for reply will be state or carried period for the carried period for state the mailing date of this communication, even if timely filed, may reduce any centre of the carried period for the carried f		Application No.	Applicant(s)			
Tony Chuo To45		10/828,757	MAIER, OLIVER			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exemitors the many be writing under the provincious of 3 CFR 11-38(i), no event, however, may a reby be timely filled. If NO period for reby is specified above, the maximum statutory period will apply and we pape SK (5) MONTHS from the mailing date of this communication. Failure for repy which the side of extended period for regive lay takes, teams are applicable to be timely filled, may reduce any active particle. Status 1) □ Responsive to communication(s) filled on 21 April 2004. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 50 □ Claim(s) is/are rejected. 70 □ Claim(s) is/are rejected. 71 □ Claim(s) is/are rejected to. 8) □ Claim(s) is/are rejected to. 8) □ Claim(s) is/are rejected to. 8) □ Claim(s) is/are rejected to. 100 □ The specification is objected to by the Examiner. 101 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) □ All b) □ Some c) □ None of: 1 □ Certified copies of the priority documents have been received. 2 □ Certified copies of the priority documents have been received in Application No	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time-may be available under the provisions of 37 CFR 1.136(a). In no revent, however, may a rarply be timely filled in the provision of the pr		·				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions time may be available under the provision of 3° FR 1136(b). In or event, however, may a reply be timely filted after 50 K (b) MONTHS from the mailing date of this communication of 3° FR 1136(b). In or event, however, may a reply be timely filted after 50 K (b) MONTHS from the mailing date of this communication of 3° FR 1136(b). In or event, however, may a reply be timely filted after 50 K (b) MONTHS from the mailing date of this communication. Faints to report which the set or cented provide for reports the part of the communication, even if timely filted, may reduce any seame a placetal term any extented parted for reports. The part of the communication, even if timely filted, may reduce any seame of pattern term deplayment. Set of FR 1.704(b). Status 1) Responsive to communication(s) filed on 21 April 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to. 8) Claim(s) 1-26 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Ack	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
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Application/Control Number: 10/828,757

Art Unit: 1745

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8 and 17-26, drawn to a fuel cell, classified in class 429, subclass 25.
- II. Claims 9-16, drawn to a method of operating a fuel cell, classified in class429, subclass 13.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process. The fuel cell system can be operated without detecting a first pressure within a first fluid reservoir associated with the first fluid circuit.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Chuo whose telephone number is (571) 272-0717. The examiner can normally be reached on M-F, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC

RAYMOND ALEJANDRO PRIMARY EXAMINER